

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

|                    |   |                            |
|--------------------|---|----------------------------|
| ISAAC KELVIN ALLEN | § |                            |
| VS.                | § | CIVIL ACTION NO. 1:13cv317 |
| JOHN FOX           | § |                            |

MEMORANDUM ORDER OVERRULING PETITIONER’S OBJECTIONS AND  
ADOPTING THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

Petitioner Isaac Kelvin Allen, an inmate confined at the Federal Correctional Complex in Beaumont, Texas, proceeding *pro se*, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends the petition be dismissed.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record and pleadings. Petitioner filed objections to the Magistrate Judge’s Report and Recommendation.<sup>1</sup> This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b).

After careful consideration, the court concludes petitioner’s objections should be overruled. Petitioner’s petition does not meet the criteria required to support a claim under the savings clause of 28 U.S.C. § 2255. *See Padilla v. United States*, 416 F.3d 424 (5th Cir. 2005); *Reyes-Requena v. United States*, 243 F.3d. 893 (5th Cir. 2001).

ORDER

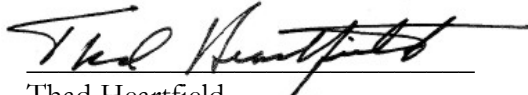
Accordingly, petitioner’s objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is

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<sup>1</sup> Petitioner also filed a motion to recuse the magistrate judge. A review of the motion and the proceedings in this case, however, reveals the actions of which petitioner complains are judicial in nature, rather than personal. Petitioner has failed to set forth sufficient facts to cause a well-informed, thoughtful and objective observer to question the court’s impartiality. Accordingly, petitioner’s motion for recusal is denied.

**ADOPTED.** A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

**SIGNED** this the **10** day of **September, 2015**.



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Thad Heartfield  
United States District Judge